

REMARKS

Please reconsider the application in view of the above amendments and the following remarks. Applicant thanks the Examiner for carefully considering this application.

Disposition of Claims

Claims 1, 4-10, and 12-16 are pending in this application. Claims 1, 8, and 12 are independent. The remaining claims depend, directly or indirectly, from claims 1, 8, and 12.

Applicant respectfully points out that the Examiner listed claims 1, 3-10, and 12-16 as pending in the current application in the Office Action Summary as well as on page 2 in the Detailed Action of the Office Action mailed September 24, 2004. However, the previous response submitted by the Applicant on May 24, 2004, canceled claim 3. Applicant has proceeded in this action assuming claim 3 is canceled. Please contact the Applicant if this assumption is incorrect.

Acceptance of Drawings

Applicant respectfully requests the Examiner to acknowledge the drawings filed with the application on March 12, 2001, as formal.

Objection(s)

The Examiner has objected to claim 5 due to improper dependency. Claim 5 has been amended to depend from independent claim 1. Accordingly, withdrawal of this objection is respectfully requested.

Rejections under 35 U.S.C. § 102

Claims 1 and 8 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Publication No. 2002/0103881 ("Granade"). This rejection is respectfully traversed.

To be considered prior art under 35 U.S.C. § 102(e), the Examiner must show that:

(e) the invention was described in (1) an applicant for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent...

Applicant respectfully points out that Granade cannot be considered proper 102(e) prior art because the filing date of Granade is September 10, 2001 and the filing date of the present application is March 12, 2001 (*i.e.*, the constructive date of invention). Accordingly, Granade was **not** an application for patent published by another filed in the United States **before** the invention by the applicant. Thus, Granade is improper prior art under 35 U.S.C. § 102(e). Accordingly, withdrawal of this rejection is respectfully requested.

Rejections under 35 U.S.C. § 103

Claims 4-7, 9, 10, 12, and 13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Granade in view of U.S. Patent No. 5,666,399 ("Bales"). This rejection is respectfully traversed.

As stated above, Granade constitutes improper prior art under 35 U.S.C. § 102(e). Thus, Granade also does not qualify as 35 U.S.C. § 103(a) prior art. To be considered prior art under 35 U.S.C. § 103(a), the Examiner must show that "the subject matter as a whole would have been obvious **at the time the invention was made**" (see, 35 U.S.C. 103(a) [emphasis added] and MPEP section 2141.01). As shown above, Granade was not published at the time the invention was filed (*i.e.*, constructively invented). Thus, the Examiner's assertion that Granade and Bales can be combined to achieve the claimed invention at the time the invention was made is incorrect. Accordingly, Granade in view of Bales does not render the claimed invention obvious.

Additionally, Bales alone does not render the claimed invention obvious. Specifically, Bales discloses a terminal emulator application that controls the telecommunication link assigned to a wireless terminal. The terminal emulator application disclosed in Bales emulates a type of telecommunication terminal that would be connected to the telecommunication link (see, *e.g.*, Figure 1), whereas the emulator of the present invention emulates a wireless-connected device. Further, the terminal emulator application described in Bales is not integrated into an IDE, as recited in independent claims 1, 8, and 12 of the present invention.

In view of the above, Granade and Bales, whether considered separately or in combination, fails to render the claimed invention obvious. Accordingly, withdrawal of this rejection is respectfully requested.

Conclusion

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 16159/011001).

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Respectfully submitted,

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